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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,470	07/29/2003	Masahiro Terada	Q76684	4698
23373 7590 07/21/2008 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER CHEVALIER, ROBERT				
ART UNIT		PAPER NUMBER		
2621				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,470

Applicant(s)

TERADA, MASAHIRO

Examiner

ROBERT CHEVALIER

Art Unit

2621

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/2/08.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 22-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7/29/08 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☒ Information Disclosure Statement(s) (PTO/CDC)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-2, 7-8, and 13-14, are rejected under 35 U.S.C. 102(e) as being anticipated by Maruyama et al (P.N. 2002/0154895).

Maruyama et al discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 1, 7, and 13, including the feature of receiving collective selection of the still image data sets and/or digital video data sets in predetermined recording units (Maruyama et al discloses a collection of video data and/or still image data being recorded on the recording medium as clearly shown in Maruyama et al's Figure 19, components 42, 44, 36, and 32, and further, see Maruyama et al's Figure 25, components 1012 and 1013), and the feature of generating the serial reproduction digital video data by arranging the selected still image data sets and/or digital video data sets based on the received order specifying conditions that determine the order in which the still image data sets and/or the digital video data sets are reproduced as specified in the present claims 1, 7, and 13. (See the capability of reproducing the video data and

the image data using program chain information designating respective cell reproduction orders as shown in Maruyama et al's Figure 25, component 1025).

With regard to claim 2, 8, and 14, the feature of the predetermined recording unit being a folder storing the still image data sets and/or the digital video data sets as specified thereof is present in Maruyama et al. (See Maruyama et al's Figure 25, component 1009).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3-6, 9-12, and 15-21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Maruyama et al (P.N. 2002/0154895).

Maruyama et al discloses a video recording/reproducing apparatus that shows substantially the same limitations recited in claims 3-6, 9-12, and 15-21, including the feature of generating the serial reproduction digital video data by arranging the selected still image data sets and/or digital video data sets based on the received order specifying conditions as specified in the present claims 3-6, 9-12, and 15-21. (See the capability of reproducing the video data and the image data using program chain information designating respective cell reproduction orders as shown in Maruyama et al's Figure 25, component 1025).

Maruyama et al fails to clearly disclose the feature of the order specifying conditions being based on accompanying information attached to the still image data sets and/or the digital video data sets as specified in the present claims 3-6, 9-12, and 15-21.

However, it is noted that the feature of the predetermined order being based on accompanying information attached to the still image data sets and or digital video data sets to be an obvious variations of the cited reference of Maruyama et al. Because, the program chain information which controls the cells reproduction order of the reproduced data from the recording medium as disclosed in Maruyama et al's reference is noted to be user definable. That is, one of ordinary skill in the art would readily recognize that the user can always define the reproduction order based on any criteria as desired including any information attached to the still image data and/or the video. The motivation is doing what is suggested in the prior art. Maruyama et al makes it well known and desirable to have the reproduction order being based on any criteria chosen by the user including any information attached to the video/still image data.

5. Claims 22-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

6. Applicant's arguments filed 7/2/08 have been fully considered but they are not persuasive.

7. Regarding the Applicant's argument in that the cited reference of Maruyama et al fail to disclose the claimed feature of receiving collective selection of the still image data sets and/or digital video data sets in the predetermined recording unit, Examiner disagrees. It is noted that, contrary to Applicant's argument, Maruyama et al do disclose the feature of receiving collective selection of the still image data sets and/or digital video data sets in predetermined recording units. Applicant's attention is directed to Maruyama et al's Figure 19, components 42, 44, 36, and 32, and further, Maruyama et al's Figure 25, components 1012 and 1013, wherein the reference discloses a collection of video data and/or still image data being recorded on the recording medium.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT CHEVALIER whose telephone number is (571)272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ROBERT CHEVALIER/
Primary Examiner, Art Unit 2621
July 17, 2008.